

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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SPINEOLOGY, INC., a Minnesota corporation,

Plaintiff,

Civil No. 04-3203 (RHK/AJB)

v.

**ORDER OF DISMISSAL  
WITH PREJUDICE**

SPINE WAVE, INC., a Delaware corporation,  
WESLEY JOHNSON, an Individual,

Defendants.

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**IT IS HEREBY ORDERED** that this action, including all claims presently asserted herein, is dismissed with prejudice and on the merits, pursuant to the terms of the Amended and Restated Settlement Agreement dated March 31, 2005, with each party to bear its own costs and attorneys' fees.

Dated: May 23, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge